

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY H. BATTER and CHERYL
BATTER, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

HECLA MINING COMPANY, PHILLIPS S.
BAKER, JR., LINDSAY A. HALL, and
LAWRENCE P. RADFORD,

Defendants..

No. 1:19-cv-04883-ALC

Judge Andrew L. Carter, Jr.

CLASS ACTION

ORAL ARGUMENT REQUESTED

ARUN BHATTACHARYA, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

HECLA MINING COMPANY, PHILLIPS S.
BAKER, JR., LINDSAY A. HALL, and
LAWRENCE P. RADFORD,

Defendants.

No. 1:19-cv-05719-UA

**[PROPOSED] ORDER FOR CONSOLIDATION, APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

Having considered the motion of James Hughes (“Hughes”) for: (1) consolidation of the above-captioned actions; (2) appointment as Lead Plaintiff; and (3) approval of selection of Labaton Sucharow LLP as Lead Counsel (the “Motion”),

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. The above-captioned actions are consolidated for all purposes (the “Action”).

This Order (the “Order”) shall apply to the Action and to each case that relates to the same subject matter that is subsequently filed in this Court or is transferred to this Court, and is consolidated with the Action.

I. MASTER DOCKET AND MASTER FILE

3. A Master Docket and Master File shall be established for the Action. The Master File shall be captioned *In re Hecla Mining Company Securities Litigation*, No. 1:19-cv-04883-ALC. All orders, pleadings, motions and other documents shall, when filed and docketed in the Master File, be deemed filed and docketed in each individual case to the extent applicable. When an order, pleading, motion or document is filed with a caption indicating that it is applicable to fewer than all of these consolidated actions, the Clerk shall file such pleadings in the Master File and note such filing in the Master Docket and in the docket of each action referenced.

4. When a case that arises out of the same subject matter of the Action is hereinafter filed in this Court or transferred from another court, the Clerk of this Court shall:

- a. File a copy of this Order in the separate file for such action;
- b. Mail a copy of this Order to the attorney for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and

c. Make the appropriate entry in the Master Docket for the Action.

5. Each new case that arises out of the subject matter of the Action which is filed in this Court or transferred to this Court, shall be consolidated with the Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of the Defendants' right to object to consolidation of any subsequently-filed or transferred related action.

II. APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

6. Hughes is appointed to serve as Lead Plaintiff in the Action pursuant to 15 U.S.C. § 78u-4(a)(3)(B).

7. Hughes' selection of Labaton Sucharow LLP as Lead Counsel for the Class is approved pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v). Lead Counsel shall have the authority to speak for all Plaintiffs and Class members in all matters regarding the litigation, including, but not limited to, pre-trial proceedings, motion practice, trial, and settlement. Lead Counsel shall make all work assignments in such a manner as to facilitate the orderly and efficient prosecution of this litigation, and to avoid duplicative or unproductive effort. Additionally, Lead Counsel shall have the following responsibilities:

- a. to brief and argue motions;
- b. to initiate and conduct discovery, including, but not limited to, coordination of discovery with Defendants' counsel, and the preparation of written

interrogatories, requests for admissions, and requests for production of documents;

- c. to direct and coordinate the examination of witnesses in depositions;
- d. to act as spokesperson at pretrial conferences;
- e. to initiate and conduct any settlement negotiations with Defendants' counsel;
- f. to consult with and employ experts;
- g. to receive and review periodic time reports of all attorneys on behalf of Plaintiffs, to determine if the time is being spent appropriately and for the benefit of Plaintiffs, and to determine and distribute Plaintiffs' attorneys' fees; and
- h. to perform such other duties as may be expressly authorized by further order of this Court.

IT IS SO ORDERED.

Date

The Honorable Andrew L. Carter, Jr.
United States District Judge